

FORUM 8

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Eighth Judicial Circuit Bar Association, Inc.

November 2017

President's Message

By Meshon Rawls



Turkey, macaroni and cheese, dressing, collard greens, corn bread, candied yams, and cranberry sauce are all on the menu for Thanksgiving dinner in our home. This traditional meal is something that we look forward to each year. A few weeks before Thanksgiving, my children will receive a text reminding them to inform me of the dish they

plan to bring. Everyone contributes something, but the master chefs, my husband and daughter-in-law, always take on the responsibility of preparing the main portion of the meal. Because I believe in the idea of “staying in my lane,” I stick to contributing the Ocean Spray cranberry sauce and coordinating the games. Although the meal is great and the games are exciting, the highlight of the day is having the family gather together to share what we are thankful for.

As I reflect on what I will share during dinner this year, I must say I have so much to be thankful for. However, after hearing how Hurricane Harvey destroyed Texas, preparing for Hurricane Irma, and observing the devastation in Puerto Rico from Hurricane Maria, I am most appreciative of life. Each of these incidents is a reminder that life is a blessing. Although I think there is much value in counting my blessings, I would like to use this moment to highlight ways the lawyers in the Eighth Circuit can be and are being a blessing.

Since August, I have received numerous emails offering opportunities for members of the legal profession to assist those who have been impacted by disasters associated with the hurricanes. By now, I am sure you have been made aware of many of those efforts. Realizing that the needs are great, I

would like to highlight a few volunteer opportunities designed specifically for those in the legal profession. For information on ways to assist, you can view the following websites:

American Bar Association Disaster Relief at www.americanbar.org/groups/committees/disaster/disaster_relief.html

The Florida Bar Hurricane Information at www.floridabar.org/public/hurricaneinfo/

The Florida Bar Foundation's Florida Hurricane Legal Aid Fund at thefloridabarfoundation.org/storm-aid.

As you will see on these websites, the legal profession is responding on a national and state level by mobilizing and leveraging those who are willing to assist. With this in mind, I want to invite the attorneys in the Eighth Circuit to volunteer with two EJCBA programs that can be utilized to provide assistance to victims of the hurricane on a local level. The Law in the Library program led by Jan Bendik and the Ask-A-Lawyer program led by Ray Brady can both be catalysts for addressing issues that have arisen in the aftermath of Hurricane Irma. If you have knowledge regarding disaster relief, you can volunteer as a speaker for The Law in the Library series or be available to answer questions during an Ask-A-Lawyer event. With your support, we may be able to provide this type of assistance to communities all throughout the circuit.

Thank you to Chris Larson, Esq., the Executive Director of Three Rivers Legal Services, Inc., Michael Sechrest, Esq. of Warner, Sechrest & Butts, P.A., and John Shaw, the Director of Alachua County Emergency Management, for taking the lead in using the Law in the Library program to engage the community in a discussion related to disaster

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Contribute to Your Newsletter! From The Editor

I'd like to encourage all of our members to contribute to the newsletter by sending in an article, a letter to the editor about a topic of interest or current event, an amusing short story, a profile of a favorite judge, attorney or case, a cartoon, or a blurb about the good works that we do in our communities and personal lives. Submissions are due on the 5th of the preceding month and can be made by email to dvallejos-nichols@avera.com.

About This Newsletter

This newsletter is published monthly, except in July and August, by:

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Any and all opinions expressed by the Editor, the President, other officers and members of the Eighth Judicial Circuit Bar Association, and authors of articles are their own and do not necessarily represent the views of the Association.

News, articles, announcements, advertisements and Letters to the Editor should be submitted to the Editor or Executive Director by Email. Also please email a photograph to go with any article submission. Files should be saved in any version of MS Word, WordPerfect or ASCII text.

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Deadline is the 5th of the preceding month

Alternative Dispute Resolution

By Chester B. Chance and Charles B. Carter



A Lawyer for All Seasons

In 1966 the film “A Man for All Seasons” was released as a motion picture. The movie was based on a play by Robert Bolt from 1960. The movie received six Academy Awards including Best Picture and Best Actor (Paul Scofield as Thomas More.) One

of your authors once had the pleasure of speaking with Scofield about the movie (and the play in which Scofield also performed) and the occasion was one of both literary and legal joy.

The play and the movie are based on the 16th century life of Sir Thomas More. The movie and play focus on the break with the Catholic Church by King Henry VIII and More’s resignation as Chancellor of England as a result. More refused to take an oath acknowledging the supremacy of Henry VIII



as king over all other sovereigns including the Pope. More refused to take the oath on legal principles, and as a result was imprisoned and executed. Before he was beheaded he famously remarked he was a good servant of the king, but God’s servant first.

The movie, and of course the play, show More relying on his knowledge of the law as his defense to treason. More always refrained from commenting on the oath of supremacy. When it was argued by the state that his silence proved he thought the law was invalid, More, relying on the law, said that under the law silence, if anything, is affirmation. Recently, on September 11, the author J. P. Donleavy died. In his writings Donleavy, a rather litigious author, suggested the best legal advice he could offer was to respond “For the time being only, I have nothing to say.” Donleavy felt writers made excellent legal advocates as the key to legal success is understanding the nuances of words. That may be why English majors may arguably make better lawyers.

Thomas More felt secure in the law. He admonished those who attempted to ignore the law on the perceived need of fairness or justice. In both

the play and movie, More was pestered for employment by a young man named Rich. More thought Rich unscrupulous and would not recommend him. Rich confronted More while More was entertaining guests at his home. Rich left in anger and disappointment. The following portion of the play involves a discussion after Rich leaves:



Roper: Arrest him.

Alice: Yes!

More: For what?

Alice: He’s dangerous!

Roper: For libel; he’s a spy.

Alice: He is! Arrest him!

Margaret: Father, the man is bad.

More: There is no law against that.

Roper: There is: God’s law.

More: Then God can arrest him.

Roper: Sophistication upon sophistication!

More: No, sheer simplicity. The law, Roper, the law. I know what’s legal, not what’s right. And I’ll stick to what’s legal.

Roper: Then you set man’s law above God’s!

More: No, far below, but let me draw your attention to a fact: I am *not* God. The currents and eddies of right and wrong, which you find such plain sailing, I can’t navigate. . . . But in the thickets of the law, oh there I’m a forester. I doubt there is a man alive who could follow me there, thank God.

Alice: While you talk he’s (Rich) gone.

More: And go he should, if he were the Devil himself, until he broke the law.

Roper: So now you would give the Devil the benefit of the law!

More: Yes, what would you do? Cut a great road through the law to get to the Devil?

Roper: I’d cut down every law in England to do that!

More: Oh? And when the last law was down, and the Devil turned round on you—where would you hide Roper, the laws all being flat? This country’s plotted thick with laws, from coast to coast, -- man’s laws not God’s, -- and if you cut them down. . . . do you really think you could stand upright in the winds that would blow then? Yes, I would give the devil the benefit of the law, for my own safety’s sake.

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Criminal Law

By William Cervone



University of Illinois Dean of Men Thomas Arkle Clark wrote an article titled "What's the Matter with Our Young People?" in which he noted that "There has been a good deal of talk, and much writing and some preaching, since the war at least, about our young people. They are very different from what young people have ever been

before." Drawing from his experience of decades in working with college students, he opined that the current crop was opinionated, unreliable, extravagant, and prone to driving too fast and drinking too much. He partly blamed historical forces such as rising wages and standards of living, but while admitting that most were resourceful and conscientious, not the popular view, he blamed the "escapades and derelictions of the few" squarely on the shoulders of indulgent parents.

For those of you, like me, who immediately want to applaud and affirm Dean Clark, a word of caution: his article was published in May of 1927 and the war he refers to was what we now call World War I. His "younger generation" was coming of age before there was a World War II and actually all but a few of them are likely dead now.

I have been quick to lament the foibles and shortcomings of our own younger generation(s) in the pages of this journal and elsewhere over the years. Perhaps I've been less than totally fair. Perhaps that is simply a part of growing older. I can remember my father saying many of the things Dean Clark did about my high school and college classmates when I was of that age, and ironically he, my dad, would have been among the young people Dean Clark was talking about in 1927.

As we approach Thanksgiving, all of this causes me to be a bit reflective. We seem to be living in especially divisive times. Certainly our national political climate is as antagonistic as it's ever been. But it's not especially new. Check the history books and you'll find that back around the time of the Civil War some Senator or Representative literally beat a colleague senseless on the floor of Congress over something or other. That's not to mention Julius Cesar and his demise a couple of thousand years ago.

Having lifted much of Dean Clark's work from another source (*The Rotarian* magazine, May 2016

issue - there you have it, attribution and not plagiarism, no independent investigation necessary), let me lift some more, this time from songwriter/singer Billy Joel: "The good old times weren't always good and the future's not as bad as it seems." (I don't remember the title of the song but I can sing a few bars. You really don't want me to though.) Or put another way and from the *Pickles* comic strip, when they happened, the good days were these trying times.

Several years ago I wrote a Thanksgiving month column focused on how blessed we are as a nation, both individually and collectively. I thought about simply repeating it this year. Instead I offer these few observations in the hope that each of us can pause from the everyday knee jerk criticism and second guessing of everything that is so prevalent in our world, from succumbing to the temptation to lump everyone into some generalized category when we disagree with what they say or do. At least for a day. And then maybe make that two days and then three.

So I say this: there are far more good people out in our community than there are bad ones. True evil is rare. Yes, it exists, but it is rare. Lots of folks have ideas and beliefs that are strange to others of us. But that doesn't make them idiots.

Finally, and to digress, in response to friend and colleague Charles Carter's anti-Iceland column last month in which he cries for us to "Save The Puffins!" let me say this: don't save them. They are massively abundant and they are delicious. So is whale. I didn't care for reindeer, however.

Happy Thanksgiving. Give true thanks this year.



Judge Colaw, Judge Wilson-Bullard, Norm Fugate and Judge Browning at Cedar Key in October

Celebrating Pro Bono

By Marcia Green

“We are bound by a responsibility to use our unique skills and training not just to advance cases, but to serve a cause; and to help our nation fulfill its founding promise of equal justice under law ...The obligation of pro bono service must become a part of the DNA of both the legal profession and of every lawyer.” – Eric Holder in his address to the National Pro Bono Summit in October 2011.

Throughout the country, the ABA National Pro Bono Celebration in October brought focus to the work and commitment that attorneys have made to ensure access to the legal system.

Participation in late October during pro bono week locally included a variety of activities such as Advance Directives Clinics in Trenton and Chiefland and Ask-A-Lawyer at Peaceful Paths. Thank you to Ray Brady for always coordinating the volunteers with Ask-A-Lawyer and to Judy Paul for coordinating this year’s volunteers traveling to assist our rural elderly residents.

More importantly, the Eighth Circuit is so fortunate to have volunteers who create estate planning documents, assist in clearing title to property

through probate, represent in bankruptcy to save the family home, expunge criminal records, and represent parents seeking guardian advocacy of their adult disabled children or grandmothers seeking custody of their young grandchildren. Our local attorneys participate in Ask-A-Lawyer, provide advice in Small Claims Clinics, serve dinner at Grace Marketplace, provide advice and help to small non-profit agencies who serve the poor, and represent victims of domestic violence in dissolution of marriage. Volunteers also co-counsel in large cases, mentor younger attorneys, research and mediate as well as give presentations to the public and provide training for the benefit of our clients and program.

Without the valued help of the generous pro bono attorneys, more people in need would be left without access to advice and/or representation. Without the volunteers, the already stretched resources of the legal aid programs would leave too many unserved.

Interested in helping? Want to volunteer your skills and training? Contact me at marcia.green@trls.org or visit Three Rivers’ new website <http://www.trls.org/volunteer/>.

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Reserve Now for the EJCBA November 2017 Luncheon



WHEN:	Friday, November 17, 2017 – 11:45 a.m.
WHERE:	The Woolly – 20 N. Main Street, Gainesville, FL 32601
PROGRAM:	Professor Mary E. Adkins — “The Same River Twice: Lessons From Florida’s Constitution Revisions Commissions” (CLE Approved)
COST:	Members: \$17.00, Non-Members: \$25.00* Chef’s choice luncheon buffet, including meat or vegetarian entrees, seasonal sides, and dessert
DEADLINE:	Register on or before Monday, November 13th at Noon at http://www.8jcba.org/event-registration/nov-2017-luncheon/
<small>*\$25.00 for members and non-members, not having made reservations before the deadline. If you are reserving at the last minute, or need to change your reservation, email Judy Padgett at execdir@8jcba.org or call (352) 380-0333. Note, however, that after the deadline, EJCBA is obligated to pay for your reserved meal and we make the same obligation of you. Thank you for your support.</small>	

Annual Margaret Stack Holiday Project Benefitting Alachua County Headstart Pre-K Program

If you would like to fill a box with new toys or sponsor a book for the classroom bags, please contact Dominique Lochridge-Gonzales (Dominique.lochridge-gonzales@trls.org). Boxes can be picked up at the November luncheon or Dominique can arrange to have a box delivered to you. Boxes will be picked up between November 30th and December 8th.

Mark Your Calendars for Upcoming Events

EJCBA Fall Family Social—Sunday, November 12th from 2pm to 5pm at Depot Park
Overton Lectures—Florida Supreme Court Justice Charles T. Canady on November 14th
EJCBA Charity Golf Tournament benefitting the Guardian ad Litem—Friday, March 2, 2018

You are a Bad Lawyer

by Cynthia Swanson



Imagine my surprise - and fear - a couple weeks ago when I received an email with the subject line, "XX has reported you as a bad lawyer." As soon as my heartbeat slowed a bit, I noticed the email was NOT from the Florida Bar, but, rather, from a website called, "Badlawyer.org." And XX was NOT my client.

That's how it goes in family law, a lot. I haven't actually seen too much research on this, even though I've looked, but my personal opinion is that in almost all high conflict cases, at least one of the parties has a significant personality disorder.

I was the Guardian Ad Litem appointed by the court in a post-dissolution of marriage case to provide recommendations on the best interest of the children. XX is the father of the children. Both he and the mother were represented by experienced family lawyers.

XX said on the bad lawyer website that in Cynthia Swanson, "you have an attorney who is a scumbag thru and thru with no moral compass." I won't go through the whole review and refute the "factual" allegations, but suffice it to say that, after a broad investigation, my GAL recommendations were not in his favor.

The note in the email I received pointed out that the only way I could remove the bad lawyer complaint was to "satisfy XX." Well, this is not something I can do, so that bad lawyer complaint will follow me until somebody sues the website for defamation and puts it out of business. It's not like he was complaining that he was my client and I charged too much and so I could call him and offer a refund or something. He was not my client, and he didn't like a recommendation I made in writing and in testimony before a court. I can't (and, of course, wouldn't) take that back. But even if I did, it wouldn't satisfy him.

And if that's the case for me - a lawyer who was not married to this guy and never has to talk to him again, imagine how his ex-wife feels. In that case, she had already been through several DCF investigations (unfounded) and a psychological evaluation. She had taken to carrying around with her in her purse a letter from a Shands psychiatrist explaining that she was "mentally fit." She had had to show it more than once to officials at the children's school, DCF, etc., etc.

The DSM-5 criteria for narcissistic personality

disorder include these features:

1. Having an exaggerated sense of self-importance.
2. Expecting to be recognized as superior even without achievements that warrant it.
3. Exaggerating your achievements and talents
4. Being preoccupied with fantasies about success, power, brilliance, beauty or the perfect mate.
5. Believing that you are superior and can only be understood by or associate with equally special people.
6. Requiring constant admiration.
7. Having a sense of entitlement.
8. Expecting special favors and unquestioning compliance with your expectations.
9. Taking advantage of others to get what you want.
10. Having an inability or unwillingness to recognize the needs and feelings of others.
11. Being envious of others and believing others envy you.
12. Behaving in an arrogant or haughty manner.

Of course, we all know some people who exhibit some milder version of some of these traits. I would venture to say that some of these traits are probably found in most any lawyer. Although some features of narcissistic personality disorder may seem like having confidence, it's not the same. Obviously, I'm no psychologist. But, after becoming as broadly involved in this case as I did, I'm going to make a layperson's guess that XX suffers from something like narcissistic personality disorder.

And after being involved in family law matters for 35 years, I find myself more and more often making the statement I made to start here - in most highly litigated, high conflict family law cases, at least one of the parties has a personality disorder. And the court system is not set up to treat, much less cure, personality disorders. It's important in family law matters involving children, where at least one parent has narcissistic traits, that the court order:

- Minimize contact between parents. All contact becomes a psychological battle, and the only way to stop it is for the non-disordered parent to withdraw completely. That puts the "healthy" parent at a major disadvantage because he or she has to

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Elder Law Update

By Shannon M. Miller



It has come to my attention there are several important issues/law changes that many of you may not be aware of related to elder and special needs law and our expanding senior population of clients, no matter what area of law you practice in! I would like to detail some of these changes that may be of significance to you in your

practices, as well as for you and possibly your aging parents.

Exploitation: The revamping of the criminal exploitation statute in 2015 has created new causes of action for both civil litigation and criminal prosecutions related to financial exploitation and elder abuse of our most vulnerable citizens. I encourage you to review §825.103, *Fla. Stat.* which has expanded the definition of exploitation extensively and includes five different definitions of exploitation. The criminal definition of exploitation is also used as the definition under the Civil Theft Statute §772.11. This statute provides for attorney's fees and treble damages should certain criteria be met along with strict compliance with the required procedure. Civil theft has become a powerful tool when an exploited vulnerable adult requires immediate reimbursement of funds to avoid a calamity, and may resolve a matter quickly with limited litigation. The criminal statute provides additional tools for prosecutors to obtain convictions against predators who have otherwise been able to claim "it's a civil matter" or "family matter" defense, or my favorite, "I am going to inherit the funds anyway..." defense.

The Designation of Healthcare Surrogate Statute §765.202 changed this past legislative session to allow for individuals to designate healthcare decision makers even when the principal still has the ability to make informed consent for themselves. This becomes important when people are at the end of their lives and simply want to enjoy life rather than spending precious time and energy making complicated and stressful medical decisions. We often see clients who may suffer from a terminal condition like cancer or Parkinson's prefer to have family or trusted friends make medical decisions on their behalf while they enjoy their final days without the stress of that decision making. This is a very important provision that I wish had been in place when my own mother was

dying of pancreatic cancer and really just wanted to play Barbies with her granddaughters as opposed to deciding whether or not to stent her liver.

We have downloadable current forms on our website related to this important change in the Designation of Healthcare Surrogate statute at MillerElderLawFirm.com. Feel free to download these forms along with the current version of our Living Wills which directs in advance how we wish to live the end of our lives.

Durable Powers of Attorney—The Super Powers and the Principal's Initials. This provision has been effective since October, 2011 and requires that any power that would otherwise change someone's estate plan, such as changes to bank account, pay on death designations, IRA beneficiary designations, authority to open or close certain bank or investment accounts, authority to transfer property and similar "super-powers", are required to be separately initialed. I encourage you to review *Florida Statute §709.02(07)* to review this superpower provision.

These are just a few of the changes that have occurred in the last few years related to Elder Law.

Exploitation Injunctions. We expect, during this upcoming legislative session, a new proposal related to temporary injunctions for asset freezing of vulnerable adult funds to provide a new tool for stopping exploitation of seniors before life savings disappear. This new legislation will allow individuals and interested parties to file a motion for a temporary injunction with the court that would provide the same procedural protections and quick results that currently exist in domestic violence injunctions. This new legislation will create a way for people without the assistance of an attorney to freeze accounts for a short time until ownership can be determined. This new legislation may have profound benefits in preventing abuse by fiduciaries under powers of attorney, preventing undue influence and preventing predation of those with diminished capacity.

We will continue to provide updates about new elder and disability legislation as it develops.

NCFSAN: As a final bit of important elder law news, a new organization advocating for the rights of vulnerable adults has been formed in Hoggetown as a pilot program under the Department of Elder Affairs. This network includes stakeholders in the Gainesville area such as Elder Options, Seniors vs. Crimes, Adult Protective Services, GPD, ACSO, The

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Military Leave: What is the Employer's Obligation?

By Laura Gross



With Reserve members being deployed to respond to recent natural disasters, we have been fielding questions about uniformed service members' employment rights. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) protects civilian job rights for veterans

and members of the active and reserve components of the military. Unlike many other employment laws, USERRA applies to employers of all sizes. It provides (1) reemployment of returning service members in the job they would have had but for their military service, with the same seniority, status, pay and benefits as if there was no break in employment; (2) the right to be free from discrimination or retaliation related to military service; and (3) the right to continue employer-based health insurance coverage for up to 24 months while in the military.

While the employer is not required to pay the employee during the leave, an exempt employee who takes military leave for a partial week is entitled to pay for that full workweek under the Fair Labor Standards Act. The accrual and use of paid time off during the leave is not required unless the employer allows similarly situated employees on leave to accrue and use paid time off.

Upon return from duty, the employee is entitled to not only return to the same pay, but to be entitled to any pay raises he or she would have received had there been no absence, pursuant to the law's escalator clause. Employees returning from duty are also provided a grace period during which they may be terminated only for cause. The length of the grace period depends on the length of the most recent service. Employees who served 31 to 180 days have a 180 day grace period. Those who served more than 180 days have a one year grace period. And, there are broad provisions against discrimination and retaliation against members of the uniformed services for their protected status as members or for exercising their rights.

There are some exceptions to these employer obligations, and the facts in individual cases would require further consideration.

You are a Bad Lawyer

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withdraw from every disagreement and just give in.

- Establish firm boundaries around home, school, and community rules. The more structure, the better. No changes, no flexibility, no re-negotiation of anything. Flexibility requires communication. See rule above.
- Limit or terminate phone and texting contact between the child and parent 2, while the child is with parent 1, and vice-versa. Allowing it always invites triangulation and puts the child in the middle.
- Banish the term "co-parenting" from the court's vocabulary.

The 8th Circuit has adopted some guidelines for a parallel parenting plan, which adopt these principles, and can be found at <http://circuit8.org/parallel-parenting>. The court can urge, admonish, and even order parents to get along, to consult with each other, to negotiate, and to co-parent. But the court cannot change parents' personalities. The parallel parenting plan acknowledges this, and requires virtually no interaction between parents, requires third parties to be present at any meetings, and so on.

Co-parenting will work with parents who already are actually co-parenting. It will never work when at least one parent has a personality disorder, and courts should more readily recognize this.



Edith Richman will retire before long and wants another attorney to take over her law office. Call 352-495-9123 or email erichman@cox.net for more information.

Equitable Subrogation

By Michael S. Alvarez and Jack M. Ross



Subrogation occurs when a person satisfies a legal claim or debt of another, thereby stepping into the shoes of the creditor. The doctrine is commonly invoked when one person satisfies the obligation of another out of necessity and equity compels the original debtor to pay the substituted creditor. Florida law recognizes

two types of subrogation: contractual subrogation, arising, as the name implies, from contract, and equitable or legal subrogation, occurring when one who has no obligation to the creditor satisfies the debtors obligation to protect an interest in, or right to, property. *State Farm Mut. Auto. Ins. Co. v. Johnson*, 18 So. 3d 1099, 1100 (Fla. 2d DCA 2009).

Equitable subrogation is a doctrine created to protect those individuals that discharge another's debt out of necessity. *E. Nat. Bank v. Glendale Fed. Sav. & Loan Ass'n*, 508 So. 2d 1323, 1324 (Fla. 3d DCA 1987). It does not apply to a mere volunteer who, without any duty or obligation, pays the debt of another. *W. Am. Ins. Co. v. Yellow Cab Co. of Orlando, Inc.*, 495 So. 2d 204, 207 (Fla. 5th DCA 1986). For example, a claim of equitable subrogation would lie for a property owner who pays the debts of a co-owner to protect his or her own interest in the property, but would not arise when an individual simply satisfies the debt of another out of compassion.



To sustain a count for equitable subrogation one must show:

1. The subrogee made the payment to protect his or her own interest;
2. The subrogee did not act as a volunteer;
3. The subrogee was not primarily liable for the debt;
4. The subrogee paid off the entire debt¹; and
5. Subrogation would not work any injustice on the rights of a third party.

Dade County Sch. Bd. v. Radio Station WQBA, 731 So. 2d 638, 646 (Fla. 1999); *Biscayne Inv. Group, Ltd. v. Guarantee Mgmt. Services, Inc.*, 903 So. 2d 251, 255 (Fla. 3d DCA 2005).

¹The requirement that the entire claim be paid before there can be equitable subrogation is for the protection of the creditor and does not apply where the balance of the debt has been satisfied by the principal or discharged in some other manner. In such a case, subrogation arises in favor of the one who paid the part of the debt against the debtor who received the benefit of the payment. *Fowler v. Lee*, 143 So. 613 (Fla. 1932).

Juvenile Law Board Certification

The EJCBA congratulates the following attorneys who became board certified in Juvenile Law in August 2017:

Candice Kaye Brower, Gainesville
Troy Michael Farquhar, Jacksonville (practices in Eighth Circuit)
Alison Brown Franklin, Gainesville
Lindsay Brooke Hanson, Lake City (lives in Eight Circuit)
Joann Marie Humburg, Gainesville
Meshon Trinette Rawls, Gainesville
Susan Ohnstad Sheahan, Gainesville
Francine Turney, Gainesville
Jessica Zissimopulos, Gainesville

FOURTH Annual Amaze-Inn Race

November 16, 2017

Mark your calendars to join the Fourth Annual Amaze-Inn Race on November 16, 2017. Registration starts at 5:30 p.m., with the race beginning at 6:00 p.m. The Amaze-Inn Race is a legal-themed scavenger hunt where judges, lawyers, and law students are paired into teams to participate in activities challenging the body, mind, and taste buds throughout downtown Gainesville. Participants must solve clues to determine the locations of various challenges. Past challenges have included taking an immigration quiz, eating goat, scoring points on a pinball machine, and singing in Bo Diddley Plaza; there are challenges for every skill level and ability. The event is a collaborative effort among the EJCBA, Adkins Inn, and Bennett Inn and is a fundraiser for the EJCBA's Holiday Project. A reception and award ceremony will follow the event. Cost of admission is two NEW unwrapped books or toys (each valued at \$10 or above) for the EJCBA's Holiday Project. Please email Kristine Van Vorst, vanvorstk@circuit8.org, if you are interested in participating.



Federal Bar Association News

Board Members, 2017 to 2018

The North Central Florida Chapter of the Federal Bar Association is pleased to announce its new board for 2017-2018:

Gilbert Schaffnit, President
Jennifer Lester, President-Elect
Megan Testerman, Secretary
Peg O'Connor, Treasurer
Stephanie Marchman, Program Chair
Ron Kozlowski, Membership Chair
Rob Birrenkott, UF Law School Liaison

Student Representatives:

Jessica Fernandez
Robby Keefe
Joe Wilcox
Zoe Stein

Ex officio members:

U.S. Magistrate Judge Gary Jones
U.S. Magistrate Judge Phil Lammens
Rob Griscti

Brown Bag Lunch with U.S. Magistrate Judge Gary Jones, Wednesday, November 8, 2017

The Chapter will host a "brown bag" lunch with the Honorable Gary Jones, U.S. Magistrate Judge, Northern District of Florida, Gainesville Division on Wednesday, November 8, 2017 from noon to 1:15 pm. This event will take place in the jury assembly room at the United States Courthouse in Gainesville, 401 S.E. 1st Avenue. The Chapter will seek CLE credit. Magistrate Judge Jones will address procedures and protocol, among other topics, in this informal, interactive and educational event. Rob Griscti will moderate. Please RSVP to: Jeanne.Landry@DellSalter.com, 352/375-4460. Admission is \$15.00 for Chapter members; \$25.00 for non-members. Admission includes a box lunch and beverages, for which we will send a menu for pre-selection. Checks may be sent to Ms. Landry, payable to "North Central Florida Chapter FBA," at 3940 NW 16th Boulevard, Building B. Gainesville, FL 32605. We hope you can attend!

November Luncheon

At EJCBA's November 17, 2017 luncheon, University of Florida Law School Professor Mary E. Adkins will deliver a semi-humorous PowerPoint presentation on the history of the Constitution and the Constitution Revision Commissions, entitled "The Same River Twice: Lessons from Florida's Constitution Revision Commissions." (CLE approved). See you at The Woolly!

Elder Law Update

Continued from page 7

University of Florida, the State Attorney's Office of the 8th Jud. Circuit and Senior Healthcare. This new committee is called the **North Central Florida Senior Advocacy Network** and its primary purpose is to end exploitation through community collaboration. Stay tuned for additional information about this important organization.

Holiday Project

EJCBA's Annual Margaret Stack Holiday Project to benefit the Alachua County Headstart Pre-K program is underway! Last year, gifts were distributed to 350 Headstart students at 5 Alachua County schools, and all 35 Headstart classrooms received a bag of 12 holiday-themed books. This year, we will again collect new toys and provide bags of 12 books which correspond with the Headstart curriculum's monthly themes to each Headstart classroom.

If you or your office would like to fill a box or sponsor a book in the classroom bags, please let Dominique Lochridge-Gonzales know at dominiquelochridgegonzales@gmail.com or 352-415-2324. She will then drop off a box to your chosen location in November (boxes may also be picked up at the November 17th EJCBA luncheon) and arrange for its pickup between November 30th and December 8th.

You have all been amazingly generous! Please contact Dominique if you would like to attend one of the gift distribution parties on December 18th and 19th, and please keep the following in mind when selecting toys:

- New toys only
- Appropriate for 3 and 4 year olds
- Educational toys preferred

Thank you!

President's Message

Continued from page 1

recovery at the Library Headquarters in Alachua County on October 9th. This program reminded me that members of our community are still in need of assistance and may not be aware of the resources that are available. I know all too well the challenges that may be encountered long after a hurricane or storm has passed. My family survived Hurricane Andrew and reestablished themselves. But, my grandmother spent many months trying to obtain assistance with repairing the damage to her home when a tornado hit Miami in March of 2003.

To the members of the Eighth Circuit who have volunteered or will volunteer, your efforts are greatly appreciated. With all that we have experienced over the past few months, the community needs to know that the legal profession will rise to the occasion and do our part. You are a blessing, and I am thankful to be able to serve with you in the Eighth Circuit. Have a Happy Thanksgiving!

ADR

Continued from page 3

Sometimes we have concern that the law should *not be applied*, even when the law clearly applies. We feel the law is “unfair” or “prejudices my client” or our client is perceived as good, or poor, or the opposing party is perceived as a bad person or wealthy. Judges may fashion a decision based on such perceptions. We want to fashion the law to help someone or punish someone else even when the law dictates otherwise. As More remarks: when the last law was down, and the Devil turns on us, where will we hide, the laws being all flat?

Our society often thinks like Roper in the above dialogue. When we think like Roper, we are not thinking as lawyers or judges, but, well, like Roper. Lawyers and judges should be the remnant of society who should always think like Sir Thomas More. We will not give precise examples of ‘Roper thinking’ although we all have a tendency to manipulate the law for the goal of perceived ‘right.’

In his book “Cyber Rights: Defending Free Speech,” Mike Godwin states that what some people call a concern with legal technicalities and legal pedantry is what civil libertarians call a concern with due process. One person’s stolen election is another’s electoral college rules. One person’s justified violence against abortion centers is another

person’s murder and mayhem. A prosecutor refuses to enforce the death penalty but does not recuse himself or herself based on conscience. In many situations, someone is cutting a great road through the law to get at a perceived devil. Other examples are, unfortunately, too numerous to mention in today’s society.

At mediation, the lay participants often complain that the law is ‘not fair’ or ‘against me.’ If they could, many clients would plow a road through the law to obtain what is fair from their perspective. Lawyers and judges should fight this inclination and correct the client’s thought process.

The Catholic Church canonized More and he is known as St. Thomas More, the patron saint of lawyers. To paraphrase an old joke: it is comforting to know there is at least one lawyer in heaven.



P.S. Re Vowels for Iceland: Thank you to all who emailed us and kindly offered to send aid to Iceland. Please send us your donations and we assure you 100% of all donations will reach needy Icelanders. People in Rzkrtvck are in desperate need of vowels. Send any a, e, i, o or u to needy citizens of cities including Rzkrtvck, Krtnkln and Brktvlsldrt. The mayor of Rskrtvck reports entire families are without vowels including his sons Vrkn and Jkbnml. Your donation of just one vowel per day can make a difference for children like 6 year old Vcky who with a single i can become Vicky. You can be a change maker by donating your vowels now.



Norm Fugate, Dean Galigani, Cherie Fine, and George Nelson enjoy the sunset at EJCBA's Annual James C. Adkins, Jr. Cedar Key Dinner

Invitation To Renew / Join The 2017-18 EJCBA

The Eighth Judicial Circuit Bar Association (EJCBA) cordially invites you to either renew your membership or join the EJCBA as a new member.

To join, please visit: 8jcba.org/join to pay online or return the below application, along with payment, to the EJCBA at PO Box 13924, Gainesville, FL 32604. The EJCBA is a voluntary association open to any Florida Bar member who lives in or regularly practices in Alachua, Baker, Bradford, Gilchrist, Levy or Union counties.

Remember, only current EJCBA members can access a printable version of the complete member directory, edit their own information online, post photos and a website link, and be listed on results for searches by areas of practice. Additionally, our Forum 8 Newsletter, event invitations, and updates are all sent electronically, so please ensure we have your current email address on file and add execdir@8jcba.org to your email address book and/or safe senders list.

EJCBA Membership Dues:

Free - If, as of July 1, 2017, you are an attorney in your first year licensed to practice law following law school graduation.

\$60.00 - If, as of July 1, 2017, you are an attorney licensed to practice law for five (5) years or less following graduation from law school; or

- If, as of July 1, 2017, you are a public service attorney licensed to practice law for less than ten (10) years following graduation from law school. A "public service attorney" is defined as an attorney employed as an Assistant State Attorney, or an Assistant Public Defender, or a full-time staff attorney with a legal aid or community legal services organization; or
- you are a Retired Member of the Florida Bar pursuant to Florida Bar Rule 1-3.5 (or any successor Rule), who resides within the Eighth Judicial Circuit.

\$80.00 - All other attorneys and judiciary.

Optional – YLD Membership Dues (*in addition to your EJCBA dues above*):

\$35.00 - EJCBA Young Lawyers Division (eligible if, as of July 1, 2017, you are an attorney under age 36 or a new Florida Bar member licensed to practice law for five (5) years or less)

* EJCBA voting membership is limited to Florida Bar members in good standing who reside or regularly practice law within the Eighth Judicial Circuit of Florida. EJCBA non-voting membership is limited to active and inactive members in good standing of the bar of any state or country who resides in the Eighth Judicial Circuit of Florida, and to UF College of Law faculty.

EJCBA

Renewal/Application for Membership

Membership Year: 2017-2018

Check one: Renewal New Membership

First Name: _____ MI: _____

Last Name: _____

Firm Name: _____

Title: _____

Street Address: _____

City, State, Zip: _____

Eighth Judicial Circuit Bar Association, Inc.

Telephone No: (_____) _____ - _____

Fax No: (_____) _____ - _____

Email Address: _____

Bar Number: _____

List two (2) Areas of Practice:

Number of years in practice: _____

Are you interested in working on an EJCBA

Committee? Yes No

Celebrating Pro Bono

Continued from page 5

Three Rivers Legal Services is now participating with other pro bono projects and the Florida Bar Foundation in Florida Pro Bono Matters, a new website that lists available pro bono cases in need of placement. Visit www.floridaprobono.org/probonomatters/ and search local cases by typing the county into the search bar. Cases will also be listed within the next month on Three Rivers' website www.trls.org under the "How You Can Help" tab.

Please note that Three Rivers Legal Services has moved; our new address is 1000 NE 16th Avenue, Building I, Suite B, Gainesville, FL 32601. Our phone numbers remain the same.



Chris Larson, Ex. Dir. of Three River Legal Services, John Shaw, Director of Alachua County Emergency Management, and attorneys Michael Sechrest and Jan Bendik spoke at the Law in the Library presentation regarding disaster recovery

November 2017 Calendar

- 1 EJCBA Board of Directors Meeting, Holland Hall, Room 355D, UF Law, 5:30 p.m.
- 4 UF Football at Missouri, 12 p.m.
- 5 Deadline for submission to December Forum 8
- 8 FBA Brown Bag Lunch w/U.S. Magistrate Judge Gary Jones, Noon-1:14 p.m., Jury Assembly Room, U.S. Courthouse, 401 SE 1st Avenue
- 8 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 10 Veteran's Day Holiday (observed) – County & Federal Courthouses closed
- 11 UF Football at South Carolina, TBA
- 12 EJCBA Fall Family-Friendly Social, Depot Park, 3-5 p.m.
- 14 Ben Overton Lectures in Florida Constitutional Law, Justice Charles T. Canady, 9:00 a.m., UF Levin College of Law, Room 180
- 16 Fourth Annual Amaze-Inn Race, 5:30 p.m.
- 17 EJCBA Luncheon, UF Law Professor Mary E. Adkins, "The Same River Twice: Lessons From Florida's Constitution Revisions Commissions," The Woolly, 11:45 a.m.
- 18 UF Football v. University of Alabama, Birmingham, TBA
- 23 Thanksgiving Day – County & Federal Courthouses closed
- 24 Friday after Thanksgiving Holiday – County Courthouses closed
- 25 UF Football v. FSU, TBA
- 28 Family Law Section Meeting, 4:00 p.m., Attorneys from Children's Legal Services presenting on Dependency Cases, Chief Judge's Conference Room, Alachua County Family & Civil Justice Center

December 2017 Calendar

- 2 SEC Championship Game, Atlanta, GA – 4:00 p.m.
- 5 Deadline for submission to January Forum 8
- 6 EJCBA Board of Directors Meeting, Room 355D, UF Law, 5:30 p.m.
- 13 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 13 Hanukkah begins
- 15 EJCBA Luncheon, Florida Bar President Michael Higer, The Woolly, 11:45 a.m.
- 18 EJCBA holiday gift distribution , Location and Time TBA
- 19 EJCBA holiday gift distribution , Location and Time TBA
- 19 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
- 25 Christmas Day – County and Federal Courthouses closed

Have an event coming up? Does your section or association hold monthly meetings? If so, please fax or email your meeting schedule to let us know the particulars, so we can include it in the monthly calendar. Please let us know (quickly) the name of your group, the date and day (i.e. last Wednesday of the month), time and location of the meeting. Email to Dawn Vallejos-Nichols at dvallejos-nichols@avera.com.